

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERRY L. LANIER,

Petitioner,

v.

TAMMY FERGUSON, et al.,

Respondents.

CIVIL ACTION
NO. 19-3645

ORDER

AND NOW, this 8th day of May 2020, upon consideration of the Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (Doc. No. 18) and Petitioner's Addendum (Doc. No. 19), it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.¹
2. The petition for habeas corpus filed pursuant to 28 U.S.C. § 2254 is **DENIED**.

¹ As Judge Sitarski stated in her Report and Recommendation, Petitioner does not have the requisite liberty interest in parole necessary to establish a procedural due process violation. Petitioner has also failed to demonstrate how the Pennsylvania Parole Board's decision denying him release "shocks the conscience," as required for a substantive due process violation. Therefore, Petitioner's procedural and substantive due process claims are without merit. Moreover, in the Addendum (Doc. No. 19), Petitioner only argues that the authorities at the prison where he is incarcerated did not help him sufficiently at his parole hearing. This claim is not a formal objection to the Report and Recommendation. He does not give any reason why this Court should not adopt it. Therefore, the Report and Recommendation will be approved and adopted.

3. The Court finds that Petitioner has failed to make a substantial showing of a denial of a constitutional right and accordingly a certificate of appealability shall not issue.

BY THE COURT:

/s/Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.